

### REMARKS

The Official Action dated December 7, 2005 has been received and its contents carefully noted. In view thereof, claim 4 has been canceled in its entirety without prejudice nor disclaimer of the subject matter set forth therein and claims 1 and 5 have been amended in order to better define that which Applicants regard as the invention. Accordingly, claims 1-3 and 5-16 are presently pending in the instant application with claims 6-16 being withdrawn from further consideration by the Examiner as being directed to a non-elected invention.

With reference now to the Official Action and particularly paragraph 1 thereof, Applicants confirm the election of claims 1-5 and note claims 6-16 have been withdrawn from further consideration by the Examiner as being drawn to a non-elected species. While claims 6-16 remain pending in the instant application, with the indication of allowability of claims 1-3 and 5, such claims will be canceled.

With reference to paragraph 6 of the Office Action, claims 4 and 5 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. As can be seen from the foregoing amendments, independent claim 1 has been amended to include the subject matter of previous dependent claim 4 which has consequently been canceled. Accordingly, it is respectfully submitted that independent claim 1 now distinguishes over the prior art of record and is in proper condition for allowance.

With reference now to paragraph 3 of the Office Action, claims 1 and 2 have been rejected under 35 U.S.C. §102(a) as anticipated by U.S. Patent No. 6,793,261 issued to McLeod et al. This rejection is respectfully traversed in that the patent to McLeod et al.

neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

As noted hereinabove, independent claim 1 has been amended to include the subject matter of previous dependent claim 4. Specifically, independent claim 1 has been amended to recite a resin-made floor panel structure applied in a vehicle floor comprising a floor panel made of resin integrally forming a spare tire storage space and a trunk board made of a resin disposed so as to cover the floor panel wherein fitting parts are integrally formed in the floor panel and trunk board respectively so as to achieve the closure of the spare tire storage space, a peripheral wall of the spare tire storage space including an upwardly expanding tapered fitting part, and the fitting part of the trunk board has a taper to be engaged with the tapered fitting part. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 1 as well as those claims which depend therefrom clearly distinguishes over the patent to McLeod et al. and further discussion with respect to the merits of the rejection is no longer believed to be warranted.


With reference to paragraph 5 of the Office Action, claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over McLeod et al. in view of U.S. Patent No. 5,797,642 issued to Takanishi et al. This rejection is likewise respectfully traversed in that the combination proposed by the Examiner neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

Again, as can be seen from the foregoing amendments, independent claim 1 has been amended to include the limitations of previous dependent claim 4 which has been indicated as being allowable over the prior art of record by the Examiner. Accordingly, it is respectfully submitted that dependent claim 3 which is indirectly dependent upon independent claim 1 is likewise in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-3 and 5 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



Donald R. Studebaker  
Reg. No. 32,815

Nixon Peabody LLP  
401 9<sup>th</sup> Street N.W.  
Suite 900  
Washington, D. C. 20004  
(202) 585-8000